IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

FRIDAY, THE TWENTY EIGHTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE M.NARAYANA REDDY

WRIT APPEAL NO : 88 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 31/12/2004 in WP NO : 25268 OF 2004 on the file of the High Court.)

Between:

Gutta Venkateswara Rao, S/o. Krishna Murthy,
R/o. Krishna District.

..... APPELLANT

AND

1 The District Level Committee, Rep by its Chariman, Krishna District.
2 The District Collector, Krishna, Machilipatnam.
3 The District Panchayat Officer, Krishna District, Machilipatnam.
4 The Sub-Collector, Vijayawada, Krishna District.
5 The Mandal Revenue Officer, Jaggaiahpet Mandal, Krishna District.
6 The Circle Inspector, Jaggaiahpeta Police Station, Krishna District.
7 The Station House Officer, Chilliakallu, Krishna District.

.....RESPONDENT(S)

Counsel for the Appellant:SMT.N.SHOBA

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEVELOPMENT

The Court at the admission stage made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

Learned single Judge disposed of the writ petition at the admission stage without counter from the opposite party with direction to respondents to consider the representation of the petitioner-appellant and take decision within one week from the date of the order. Order was passed with consent of the parties against which normally, no appeal would lie. But learned counsel for the appellant says that the appellant is aggrieved since on earlier occasion also, similar direction was issued and the representation has not been decided. Without following due process, the petitioner-appellant's work is being unnecessarily hampered.

We cannot go into the merits of the petition in the absence of counter affidavit from the respondents and the best course would be to set aside the impugned order and to direct the learned single Judge to decide the petition afresh after obtaining counter affidavit from the respondents whether or not there is any interference in the petitioner's quarrying operations and if so, for what reason.

Appeal, accordingly, is allowed and the impugned order is set aside. Learned single Judge is directed to decide the writ petition afresh in accordance with law. Learned counsel for the respondents states that counter affidavit will be filed within two weeks.

Parties to appear before the learned single Judge on **14th February, 2005**.

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DEVINDER GUPTA, CJ

28-1-2005

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M.NARAYANA REDDY, J

To

1 The Chairman, District Level Committee, Krishna District.
2 The District Collector, Krishna, Machilipatnam.
3 The District Panchayat Officer, Krishna District, Machilipatnam.
4 The Sub-Collector, Vijayawada, Krishna District.
5 The Mandal Revenue Officer, Jaggaiahpet Mandal, Krishna District.
6 The Circle Inspector, Jaggaiahpeta Police Station, Krishna District.
7 The Station House Officer, Chilliakallu, Krishna District.

8 2 CCs to the Govt. Pleader for Panchayat Raj and Rural Development,

High Court Buildings, Hyderabad (OUT).

9 2 CD copies.